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Sub-Commission on Prevention of
Discrimination and Protection
Minorities

Forty-second session
Item 10 (a) of the provisional agenda

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Report of the Secretary-General containing information submitted by specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974

CONTENTS

	Page
Introduction	2
I. UNITED NATIONS BODIES	
United Nations High Commissioner for Refugees....	2
II. SPECIALIZED AGENCIES	
International Labour Organisation.....	4

GE.90-12387/6890A

Introduction

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities in paragraph 1 of its resolution 7 (XXVII) of 20 August 1974 decided to review annually developments relating to the human rights of persons subjected to any form of detention or imprisonment, taking into account any reliably attested information from Governments, the specialized agencies, the regional intergovernmental organizations and the competent non-governmental organizations in consultative status with the Economic and Social Council. In paragraph 2 of that resolution the Sub-Commission requested the Secretary-General to transmit to it the information referred to in paragraph 1.

2. Pursuant to that resolution, the Secretary-General requested information from Governments, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations High Commissioner for Refugees, the Council of Europe, the Intergovernmental Committee for Migration, the International Criminal Police Organization (INTERPOL), the League of Arab States, the Organization of African Unity, the Organization of American States, as well as non-governmental organizations concerned.

3. The present document contains the replies received up to 2 July 1990 from specialized agencies and intergovernmental organizations. Document E/CN.4/Sub.2/1990/20 contains information submitted by Governments as at 2 July 1990. The synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council will be submitted in a separate document (E/CN.4/Sub.2/1990/22).

4. The International Criminal Police Organization (INTERPOL) [12 March 1990] referred to information communicated in 1985 (see E/CN.4/Sub.2/1985/12) and stated that, since then, the general secretariat of INTERPOL had not received any information pertaining to this matter. It further stated that it participated in the United Nations interregional meeting and the tenth session of the Committee on Crime Prevention and Control in 1988, which discussed and adopted the Draft Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

5. In a letter dated 6 February 1990, the Food and Agriculture Organization of the United Nations stated that it did not have any relevant information available. In a letter dated 28 March 1990, the United Nations Educational, Scientific and Cultural Organization stated that it had no information to submit further to its submission dated 15 February 1989 to the forty-first session of the Sub-Commission.

I. UNITED NATIONS BODIES

United Nations High Commissioner for Refugees

[Original: English]
[19 February 1990]

6. Detention or imprisonment of asylum seekers or refugees create serious protection problems for UNHCR. Article 31 of the 1951 Convention relating to the Status of Refugees provides that refugees who come directly to any country

should not be penalized solely on the ground that they entered that country illegally. Detention, often in extreme conditions, has nevertheless become an oft resorted to penalty for illegal entry. The growing tendency of some States to detain both refugees and asylum seekers lead UNHCR to submit the subject to the Executive Committee of the High Commissioner's Programme for its consideration in 1986. The Executive Committee adopted a Conclusion (No.44), setting out guidelines on detention of refugees and asylum seekers whenever it occurs. These included that detention of refugees and asylum seekers should not be automatic and should generally be avoided; where necessary, it should only be on grounds prescribed by law and for specified purposes, such as verification of identity, determination of claim or in cases where refugees or asylum seekers have destroyed their documents. The same Conclusion, inter alia, added that asylum seekers who arrive without documents because they were unable to obtain any in their country of origin, should not be detained solely for that reason. In all circumstances, it was agreed that refugees and asylum seekers should not be accommodated with common criminals, and should not be located in areas where their physical safety is endangered.

7. Regrettably, years later, the guidelines have yet to be fully respected by States. UNHCR still registers the occurrence of detention of asylum seekers and refugees all over the world. In some refugee situations, asylum seekers are detained for extended periods and sometimes over a year or more. In other cases, refugees and asylum seekers are detained with common criminals, or in appalling conditions, where large numbers of persons are confined in overcrowded cells, even in warehouses and in several instances where they were denied basic amenities such as showers or exercise.

8. There is also the special problem of detention of refugee minors. The guidelines issued by UNHCR in 1988 on Refugee Children stated clearly that due to their special situation, refugee children should not be detained.

9. In the course of his intervention at the forty-fifth session of the Commission on Human Rights, the UNHCR's Director of Refugee Law and Doctrine Division reaffirmed the concern of UNHCR about incidences of detention of refugees and asylum seekers and asked the Commission to look at "the human rights implications of harsh detention of refugees".

10. At the most recent (fortieth) session of the Executive Committee of the High Commissioner's Programme, the Committee in its General Conclusions on International Protection inter alia "noted with deep concern that large numbers of refugees and asylum seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation and reiterated its Conclusion No. 44 (XXXVII) which circumscribes the grounds for detention of such person".

11. UNHCR will continue to monitor State practice in this field and intervene as required. However, such action would be much assisted through the co-operation of States, United Nations bodies and the support of non-governmental organizations concerned with refugees and human rights issues.

IFADEX

II. SPECIALIZED AGENCIES

International Labour Organisation

[Original: English]
[9 March 1990]

12. Since the last session of the Sub-Commission the ILO Governing Body's Committee on Freedom of Association has examined a number of complaints involving questions of arrest, detention and other treatments that would fall within the Sub-Commission's area of concern. These cases were dealt with in the Committee's reports as indicated below:

268th report: Cases Nos. 1273, 1441, 1494 (El Salvador); No. 1337 (Nepal); Nos. 1341, 1446 (Paraguay); No. 1425 (Fiji); Nos. 1426, 1444 (Philippines); Nos. 1478, 1484 (Peru); No. 1492 (Romania); No. 1500 (China).

269th report: Cases Nos. 1442, 1454 and complaint under article 26 of the ILO Constitution (Nicaragua).

270th report: Cases No. 1468 (India); No. 1509 (Brazil); No. 1309 (Chile); Nos. 1434, 1477 (Colombia); Nos. 1478, 1484 (Peru); No. 1500 (China); No. 1508 (Sudan).

271st report: Cases Nos. 997, 999, 1029 (Turkey).

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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat

CONTENTS

		Paragraphs	Page
INTRODUCTION		1 - 5	1
I.	DEATH DURING DETENTION, EXTRAJUDICIAL EXECUTIONS AND OTHER ARBITRARY OR SUMMARY EXECUTIONS	6 - 21	2
II.	CAPITAL PUNISHMENT, INCLUDING THE EXECUTION OF JUVENILE OFFENDERS	22 - 29	5
III.	FORCED DISAPPEARANCES	30 - 35	6
IV.	TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT	36 - 43	7

GE.90-12579/2216B

CONTENTS (continued)

		Paragraphs	Page
V.	DETENTION AND ILL-TREATMENT OF MEMBERS OF VULNERABLE AND OTHER GROUPS	44 - 68	9
	A. Children	45 - 50	10
	B. Women	51 - 53	10
	C. Teachers	54	11
	D. Trade unionists	55 - 58	11
	E. Church workers	59 - 60	11
	F. Human rights workers	61 - 63	12
	G. Journalists	64	12
	H. Environmental campaigners	65	12
	I. Ethnic groups	66 - 68	12
VI.	ARREST AND DETENTION WITHOUT GROUNDS OR ON ILL-DEFINED OR DUBIOUS GROUNDS	69 - 70	13
VII.	ADMINISTRATIVE DETENTION WITHOUT CHARGE OR TRIAL AND OTHER EXECUTIVE AND PREVENTIVE DETENTION	71 - 72	13
VIII.	UNFAIR TRIALS	73 - 74	13
IX.	MAIN FEATURES WHICH APPEAR TO EMERGE FROM THE REPLIES AS A WHOLE	75 - 90	14

INTRODUCTION

1. The present synopsis of material received from non-governmental organizations on the question of human rights of persons subjected to any form of detention or imprisonment has been prepared by the Secretary-General pursuant to resolutions 7 (XXVII), 4 (XXVIII) and subsequent resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning its annual review of developments in this field.

2. At 14 July 1990, the following non-governmental organizations had submitted material: Amnesty International, the International Confederation of Free Trade Unions, the International Defence and Aid Fund for Southern Africa, the Regional Council for Human Rights in Asia and the League of Red Cross and Red Crescent Societies.

3. The present synopsis is the fourteenth to have been prepared by the Secretary-General. It is similar in outline to the previous synopsis, and gives due regard to the types of problems referred to in paragraph 16 (b) of Sub-Commission resolution 1982/10. Former reports were issued in documents: E/CN.4/Sub.2/1989/22, E/CN.4/Sub.2/1988/15, E/CN.4/Sub.2/1987/13, E/CN.4/Sub.2/1985/13, E/CN.4/1984/13, E/CN.4/Sub.2/1983/13, E/CN.4/Sub.2/1982/14, E/CN.4/Sub.2/471, E/CN.4/Sub.2/445, E/CN.4/Sub.2/431, E/CN.4/Sub.2/408, E/CN.4/Sub.2/394 and E/CN.4/Sub.2/L.643.

4. The reports from non-governmental organizations alleged grave and persistent violations of the rights of detained persons. They referred to practices such as enforced disappearances, administrative detention without charge or trial, death during detention, extrajudicial executions and other arbitrary or summary executions, and torture and other cruel, inhuman and degrading treatment.

5. The present report also indicates the main features which appear to emerge from the replies as a whole. The voluminous material submitted by the non-governmental organizations is available for consultation in the secretariat of the Centre.

I. DEATH DURING DETENTION, EXTRAJUDICIAL EXECUTIONS AND OTHER ARBITRARY OR SUMMARY EXECUTIONS

6. Death in detention and arbitrary execution, mainly directed against political opponents, frequently take place during situations of internal political or social tensions, armed conflicts, following a coup d'état or when a State or territory is under foreign occupation. Those executions were reportedly carried out both by regular military and police forces, by special units created to function without normal supervision, and by death squads operating with government complicity. The scope of the executions ranged from individual assassination to the wholesale liquidation of political opposition.

7. New information received by an organization in 1989, confirmed that extrajudicial executions of suspected government opponents carried out by government forces have been a permanent pattern in one country since the early 1980s. Details have been provided by former security service personnel; cases have been crosschecked, compelling the organization to conclude that a significant number of prisoners have been deliberately killed by extrajudicial execution.

8. Information has become available about extrajudicial executions in secret detention centres in this country's capital. Allegedly, a number of the victims were taken to the seat of the State's Executive shortly before they were killed. Few details are available about the way prisoners have been executed. Some apparently starved to death, while others died after torture. In 1987, a sample of poison allegedly used by senior security service personnel was obtained and subjected to laboratory analysis by two techniques in another country. Both analyses revealed that a very small amount would kill by asphyxiation, after violent and painful convulsions. In 1986, prisoners saw a fellow prisoner die after exhibiting these symptoms. The prisoner had been in the custody of the security service for a few days, following his arrest on arrival after a period overseas. After he died, his body was removed to an unknown location. A patch of waste ground near the capital's airport is reportedly used for disposing of the bodies of execution victims.

9. In this country, most prisoners who have been killed apparently were executed singly or in pairs. However, several large groups of prisoners have also been killed. Most victims in these groups were soldiers who were loyal to the former Government. However, some victims were executed after they had been taken prisoner in areas where armed groups had been active, apparently as a reprisal for the activities of these groups rather than as a direct consequence of the actions of those actually arrested. Many people in these areas were reportedly burnt alive in public in July and August 1987, after being arrested by government forces. One victim was a 17-year-old school pupil.

10. In a second country, an organization reports a pattern of arbitrary executions, including persistent and credible accounts of the killing of 46 people on a beach during the night of 15 July 1989. The victims had been arrested immediately following anti-Government demonstrations after which they were driven about 30 kilometres in military vehicles to the beach. The organization names 13 of the victims allegedly killed. A survivor is said to

have reported the incident to the Minister of the Interior and a committee of inquiry has been set up. Apparently the committee includes members of the armed forces and security services.

11. Another organization reports a persistent pattern of widespread serious human rights violations - including extrajudicial executions - in the context of a civil war being fought in a third country. The organization uses the term "extrajudicial execution" to describe unlawful and deliberate killings carried out by Governments or by other forces acting with governmental acquiescence. It distinguishes extrajudicial executions from killings that occur as a direct consequence of clashes between contending parties (such as the killing of civilians during attacks on positions defended by warring parties) and from killings by accident or error.

12. Employing this definition, the organization reports extrajudicial executions by the armed forces during counter-insurgency operation. One incident occurred on the afternoon of 23 April 1989 when troops and militia are alleged to have destroyed a number of villages, after members of the armed forces were killed by landmines. Seventeen civilians were killed in one village. It is alleged that some women and at least six children were detained by troops in a home which was then deliberately set alight.

13. There are other reports from the same country of extrajudicial executions of detainees by the armed forces. After a patrolling soldier was injured by a mine, troops are alleged to have rounded up an unknown number of civilians in two small markets on 19 July 1989. Shortly after dark they opened fire on those detained. The bodies of the dead were dumped in a well. The names of 34 men and women believed to have been killed and 13 others reported to have been injured in the incident have been provided by the reporting organization.

14. The organization alleges that extrajudicial executions by militias, created or supported by elements within Government, are widespread. It expressly takes no position on the issue of whether or not militias should be formed, recognizing that a Government has a responsibility to take measures to counter threats to its security and that of its citizens. The organization argues, however, that the Government has an equal responsibility to ensure that groups used for this purpose obey the law and do not violate human rights. Its numerous allegations include the following. During a night in April 1988 a large party of militia, some of whom were wearing khakhi uniforms, surrounded a village. At dawn they marched in and herded about 170 people, mainly young men but also some women, into a nearby byre. The door was locked and the byre was then set on fire. People who managed to break through burning walls were shot by militia who surrounded the building.

15. Throughout 1987, hundreds of civilians in a particular area were abducted and murdered by members of another militia, sometimes allegedly acting together with army personnel. Many of the corpses subsequently found were severely mutilated. On 20 June 1987, for example, 18 bodies were discovered. The victims had been decapitated, their genitals cut off and the foetus had been ripped from the womb of a pregnant woman. Reliable eye-witnesses have said that such killings were "daily occurrences" and have reported seeing bodies impaled on spears, severed heads displayed on stakes and other atrocities. The reporting organization also describes extrajudicial executions allegedly carried out by anti-Government forces.

16. In a fourth country, an organization estimates that during 1988 and the first five months of 1989 over 2,500 people were killed in circumstances suggesting they were victims of extrajudicial execution. The vast majority of politically motivated killings in this country in recent years are attributed to paramilitary "death squads" many of which have common operational methods. Assassins, generally heavily armed men in civilian clothes, have invariably escaped, sometimes in full view of uniformed police or army personnel who failed to take action to apprehend them. The bodies of some victims of apparent extrajudicial executions have been discovered in mass dumping grounds in remote rural areas.

17. In a neighbouring country, there were massive and violent anti-Government protests lasting about four weeks in early 1989. The Government responded by suspending a wide range of constitutional guarantees. Several hundred people died in the disturbances, many of them as a result of the generalized violence or in circumstances where it was difficult to establish who was responsible. However, an organization received information about a number of cases which indicate that the individuals were killed as a result of the unlawful use of lethal force through indiscriminate or deliberate shooting by the military or the police. Several individuals appear to have been shot dead in the street while in the custody of police. Others, including young children, died when shots were fired at crowds or homes, particularly in working class neighbourhoods. The organization has published a selection of 22 cases which are allegedly instances of arbitrary killings by the military or the police.

18. Reports of gross human rights violations by governmental forces, and of political violence generally, reached unprecedented levels in another country in 1989. It was alleged that thousands of people "disappeared" or were victims of extrajudicial executions committed by uniformed members of the security forces and plain-clothed "death squads" believed to be associated with them, or with politicians of the ruling party.

19. Elsewhere, there has been concern for several years about reports of the extrajudicial execution of tribal residents by the security forces. On 4 May 1989, a non-tribal resident was shot dead near his office. That night, at least 36 tribal men, women and children (all of whom have been named), are reported to have been murdered in reprisal attacks carried out by non-tribal settlers. It is not alleged by the reporting organization that the regular security forces participated in the reprisal killings. However, members of a government-sponsored and police-trained civilian defence force are said to have been among those who carried out the reprisal murders. The civilian defence force is meant to provide security for its locality at night. The national press reported the murder of the non-tribal resident; apparently news reports of the reprisal killings of tribal people were banned.

20. In October and November 1989, three former members of another country's security police force, claimed in separate accounts that they had been involved in the early 1980s in the murder of the Government's political opponents. Subsequently, the Government appointed a full judicial inquiry into the allegations of security police force involvement in politically motivated killings.

21. Information has been submitted about deaths in detention which have occurred in a context different from those indicated in the previous paragraphs. In one country, for example, it is reported that prisoners, including a prominent writer, have died from medical neglect and malnutrition. In another country, according to reports of March 1990, seven out of a group of 29 men awaiting trial on capital charges, died before their case came to court. Six of the seven who died were aged between 21 and 31 years. It is not known when they died; it appears that their deaths may have been as a result of poor prison conditions. In a third country, it is alleged two prisoners died in separate incidents during March and April 1989, after being beaten during detention. In a fourth country, according to information received, a housewife died three days after her arrest in July 1989; when her body was handed over to her family, allegedly it bore marks of torture. In a fifth country, an organization reported a number of deaths of detainees in police custody which occurred in suspicious circumstances and allegedly as a result of torture.

II. CAPITAL PUNISHMENT, INCLUDING THE EXECUTION OF JUVENILE OFFENDERS

22. In one country, where there have been 117 executions since 1976, 13 prisoners were executed between 1 January and 31 August 1989. In July 1989 the number of prisoners under sentence of death in this country had risen to 2,210. Of these, 28 offenders were under sentence of death for crimes committed when they were aged 15, 16 and 17. The youngest juvenile offender was 15 years and 5 months old when he committed the crime in question; he was sentenced to death on his sixteenth birthday. In June 1989 the country's highest court held that the execution of juvenile offenders was not unconstitutional.

23. The same court also declared that the execution of mentally retarded defendants was not unconstitutional. At least seven of the prisoners executed in recent years are believed to have been mentally retarded. In July 1989, a prisoner was executed despite evidence suggesting his IQ was about 65 and his reasoning ability that of a 10-year-old.

24. In February 1990 an independent agency of the country's Government, reported that if the murder victim was white, this influenced the likelihood the defendant would be charged with capital murder and receive the death penalty if convicted. Eighty-two per cent of the studies it examined suggested that those who murdered white victims were more likely to be sentenced to death than those who murdered black victims. The agency's analysis suggests, however, that the defendant's race was a less influential factor in death sentencing than that of the victim.

25. In the same country, of 11 prisoners executed during 1988, the average time awaiting trial was six years and eight months. An organization observes that, in a recent unanimous judgement, the European Court of Human Rights held that in some circumstances a very long period of time awaiting execution would expose the prisoner to torture or inhuman and degrading treatment. In this particular case, the Court was considering a period between six to eight years.

26. In another country, an organization reported that during July 1989 the military Government empowered the army to impose death sentences on political opponents, including people not accused of violence, through summary judicial

procedures that fall short of international standards for fair trials. The organization argues the new law could lead to arbitrary executions. It reports that within 10 days of the law's promulgation, three political prisoners were sentenced to death under its provisions.

27. In May 1990, reporting about another country, an organization published a list of people it believed to have been sentenced to death for acts allegedly committed one year earlier. It reports the list comprises only a fraction of the death penalty cases believed to have occurred since early 1989. Some were sentenced, the organization states, at mass sentencing rallies, which are held after a formal trial has taken place. Executions are often carried out immediately afterwards, out of public view. Large audiences are often present at such rallies, attendance at which is often compulsory for some workers. For example, it is reported that on 17 June 1989, 10,000 people attended a sentencing rally and heard the death penalty passed on 26 prisoners; on 7 July 1989, 2 prisoners were executed after being paraded at a mass rally.

28. In another country, it is reported that over a dozen people are executed every year for criminal offences. Most of those executed are poor and illiterate without, it is argued, easy access to adequate legal assistance.

29. Elsewhere, on 15 February 1990, four political prisoners were executed after more than 24 years in prison. Each was arrested in 1965, after a coup attempt, and sentenced to death between 1969-1971. An army spokesperson is reported to have said the process of law had only just been completed with the rejection of final pleas for clemency. The reporting organization observes that, in the past, such executions appear to have been carried out with a political calendar in mind, e.g. to mark the anniversary of the suppression of the coup attempt. Finally, in one country, following a change of Government in December 1988, over 2,029 death sentences have been commuted.

III. FORCED DISAPPEARANCES

30. In one country, it is reported that the Government has for many years failed to account for a large number of people who "disappeared" in custody after they had been arrested by the security service. It is alleged the Government has not acknowledged their arrest officially and no information has been given to relatives inquiring about what happened to them. In some cases, it appears the relatives seeking information from the authorities about prisoners have themselves been arrested. Those who have effectively "disappeared" include both members of armed opposition groups and suspected government opponents who appeared to have had no connections with the armed opposition.

31. In relation to the same country, an organization received new information in early 1989 from different sources about a number of people who "disappeared" in custody after they had been arrested in July 1983. Apparently, 19 of these prisoners were taken from prison on 24 March 1987, but it is not clear what happened to them subsequently and it is feared they may have been executed. The names of the 19 prisoners have been made available by the reporting organization.

32. In a second country it is reported that a recurrent pattern of human rights violations is the "disappearance" of people who are believed to have been detained by members of the security forces or civilians working with

them. Estimates of the total number of "disappeared" persons vary considerably. It was pointed out by an organization that the United Nations Working Group on Enforced or Involuntary Disappearances in a report of an October 1988 mission to this country, stated that of the 672 cases transmitted to the authorities, the army was alleged to be responsible in 385 cases, the national police in 104, security agencies in 46 cases and paramilitary forces in 125. An organization reports that the country's local human rights groups have compiled information on over 1,200 cases of unresolved "disappearances" which have allegedly occurred since 1979.

33. In a third country, dozens of people reportedly "disappeared" in 1989. Again, the findings of the United Nations Working Group on Enforced or Involuntary Disappearances are referred to by a reporting organization. In January 1990, the Working Group reported that it had inquired into 36 "disappearances" said to have occurred in this country during 1989, bringing the total number of outstanding cases taken up by the Working Group to 456.

34. Apparently, in the same country, there was a marked increase in the number of "disappearances" reported, following a declaration of a State of National Emergency in December 1989. An organization received information regarding 16 alleged "disappearances" occurring between mid-December 1989 and the end of February 1990. At least three of these people were reported to have died in military custody - two by beheading and one by hanging - shortly after their "disappearance"; confirmation of their identities was not possible in all cases due to the mutilation of the bodies.

35. In relation to various countries, the impossibility of estimating the true number of "disappearances" is emphasized by organizations. One suggests that thousands of people "disappeared" after arrest because they were suspected of supporting or sympathizing with the armed opposition.

IV. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

36. International law clearly prohibits torture under all circumstances. Yet the practice persists in many parts of the world. Interrogation of political detainees is frequently accompanied by allegations of torture and ill-treatment.

37. In one report, an organization lists the most common torture methods used in a particular country. The information was obtained from prisoners, ex-prisoners and their families and friends. According to information received about other countries, the same or similar methods of torture are used elsewhere. The list of torture methods submitted is as follows:

(a) Blows all over the body, including slaps, punches and kicks; sitting on victims while they are lying on the floor and striking their heads, chests or genitals with stones, whips, chains, sticks, rubber hoses, metal rods or other hard objects;

(b) Striking the soles of the feet, usually while the victim is suspended;

(c) Smothering - usually with rags soaked in dirty water or with strong detergent;

(d) Suspension with hands and feet tied behind the back and a heavy object applied to the back to put pressure on the lungs (often combined with (a), (b) and (c));

(e) Suspension with the hands and feet tied in front and the head hanging back (often combined with (a), (b) and (c));

(f) Immersion of the head in water, urine or excrement;

(g) Electric shocks applied to sensitive parts of the body;

(h) Continuous manacling or chaining;

Psychological torture

(i) Continuous humiliation and insults;

(j) Threats of sexual assault, arrest, torture or death to the subject or his or her family;

(k) Hearing other detainees being tortured;

(l) Sensory deprivation and manipulation through isolation, blindfolding, lights being left on for 24 hours and being kept continually awake.

38. In one country, numerous cases of torture have been reported in recent years. In this instance evidence about the use of torture comes mainly from testimonies of former prisoners and medical examinations corroborating their accounts. It is reported that in August 1989, an official spokesperson for the relevant Government indicated that opponents involved in armed opposition have been dealt with outside the framework of national law and that their involvement in armed opposition justifies their "exceptional treatment". It was not explained what this "exceptional treatment" comprises, or what the criteria was for deciding who should receive such treatment.

39. In another country it is reported that details of many serious cases of torture were received between 1979 and 1984, but that for the following two years no details about torture cases were obtained. However, since 1986, it is reported that torture has become common practice once again. For example, the reporting organization has the names of 10 people who, it is alleged, died as a result of torture in a particular prison of the country between May and July 1989.

40. It is alleged that in another country a special method of tying prisoners has been used recently both as a means of restraint and as a means of obtaining confessions. This particularly cruel method entails binding the ankles and securing them to the wrists behind the back, the victim then being immobilized belly down on the ground. One instance of this practice is alleged to have taken place on 10 March 1989 following the arrest of three men at an army checkpoint. The three were tightly bound and left lying in the sun for approximately seven hours. They were released in the evening of the day

of their detention following the intervention of a prominent local citizen. One man died a few hours later. The other two had injuries which led to amputation of both their arms. The incident received widespread publicity. Despite calls for an inquiry, the authorities are not known to have mounted any public investigations or to have brought to justice anyone believed to have been responsible. Similar tying practices have been reported in neighbouring countries.

41. In another country, it is reported that a husband was detained, with his wife and their 18-month-old daughter. They were carrying false identity papers because he was wanted in connection with his illegal trade union activities. It is alleged that while both parents were tortured, their daughter was kept in custody for about a week and she was forced to listen to the torture screams of her parents.

42. An organization expressed alarm about allegations that a person assumed to be a medical practitioner was present between 4-6 March 1989 at some interrogation sessions; it is said he advised on the nature and amount of torture a detainee would withstand and applied resuscitative treatment. That the person had received medical training is made probable by the fact that he made numerous sutures of wounds in treating one of the detainees who self-inflicted some injuries. Also his conduct, language and methods of examination were described by the former detainees as "professional". Furthermore, two detainees recognized one of the advisers at the torture sessions as being the person who carried out a medical examination they were given when they arrived, and in one case as the person who gave him medical treatment. One of them said that the "doctor" stopped the interrogators from being too rough after he had suffered respiratory attacks, and prevented them from applying electric shocks. The detainees' allegations indicate that the person who worked as a "doctor" during the period 4-6 March 1989 violated national and international codes of medical ethics, including the Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment adopted by the United Nations General Assembly in 1982. Principle 2 states, for example, that "It is a gross contravention of medical ethics as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment".

43. Finally, in one country, punishment of whipping, amputations and stoning remain on the statute book, and two instances of public whipping were reported in 1989.

V. DETENTION AND ILL-TREATMENT OF MEMBERS OF VULNERABLE AND OTHER GROUPS

44. While all sections of a population are vulnerable to grave and persistent violations of human rights, some groups are more exposed than others. Examination of the information submitted discloses a number of groups which have been subjected to an exceptional degree of human rights abuse. On the basis of this information some of these groups are listed below. In each case an example is given of one or more human rights violations to which a member of the group has been subjected.

A. Children

45. In July 1987, two brothers aged about 13 were arrested, apparently on account of the political activities of an elder brother. They are believed to be still in prison.

46. In the same month and year, but in another country, a mother and her two sons and two daughters, the eldest aged 13, tried to escape from a war zone with a party of others. The party was stopped by militia who took away all the children. The women protested and tried to follow but they were tied to trees. It is reported that seven women were shot, including the mother of the four, whose two sons were also shot; the two girls are believed to be in detention.

47. In October 1988, in the same country, it is alleged that two adolescent girls who were detained by the army were used as domestic servants by the troops.

48. On 11 October 1989, in another country, a 14-year-old schoolgirl was detained in a street by soldiers. Allegedly, she was seen being forced into an army vehicle which then drove away. Her parents have failed to obtain information on her whereabouts, as the military authorities have refused to acknowledge her detention.

49. In another country, an 11-year-old and seven-year-old and their parents, were shot dead by soldiers during what a national fact-finding team subsequently described as "a strafing and massacre".

50. Finally, local human rights monitoring groups in one country estimate that between June 1986 and June 1989, about 9,800 children (that is, less than 18 years of age) were detained under the State of Emergency. On 1 July 1989, it was reported that 39 children were subject to restriction orders; 22 were said to be in detention in early August.

B. Women

51. In November 1988 a woman was detained, apparently when she tried to leave the country to join her husband, as a suspected Government opponent. Although noticeably pregnant, reportedly she was subjected to severe beatings while in detention. She had a miscarriage soon afterwards, during which she died.

52. In two separate incidents, one in September 1988, the other in October 1988, a total of five women allege they were raped by police officers. During a third incident in July 1989, a woman was reportedly stripped and beaten in an attempted rape by several policemen. The three incidents are reported to have occurred in the same region of a country.

53. In another country, the body of a 26-year-old teacher was found, near the body of a prominent trade unionist. The teacher was active in a women's group which provided assistance and training to miners' wives. She was a union adviser on women's issues. The reporting organization believes she was the victim of an extrajudicial execution.

C. Teachers

54. An organization reported its concern about numerous teachers who have been killed or who have "disappeared" since 1986. It is informed that many others have received death threats; many have felt obliged to ask the Ministry of Education for transfers or simply to flee the area where they live and work in fear of their lives. The Federation of Teachers recently said that in the first three months of 1989, 14 teachers had been killed and two had "disappeared". Over 6,000 primary and secondary school teachers have reportedly received death threats in the past two years.

D. Trade unionists

55. One organization submitted a survey of human rights violations against trade unionists. It reports that between March 1989 and March 1990 over 2,350 trade unionists were murdered throughout the world for engaging in normal trade union activities. During the same period it is alleged that 13,000 were detained and tens of thousands were sacked for their union work. In one country the survey reports that at least 50 trade unionists were murdered during February and March 1990 alone.

56. Information from another organization about the same country alleges that scores of union leaders, labour lawyers and trade union legal advisers have received death threats in the name of paramilitary "death squads". Many of those who have persisted in their legitimate trade union activities have been killed or have "disappeared", apparently after detention by the security forces or civilians working with them in so-called "death squads". Allegedly, during 1988 and the first two months of 1989, over 230 union leaders and activists were victims of politically motivated killings.

57. In late 1988, in another country, a well-known trade union president and environmental campaigner was assassinated, after receiving a number of death threats. It is alleged that the authorities failed to take appropriate action against those whom the victim warned were trying to kill him. While it is reported proceedings have begun against those now charged with his murder, the very slow progress of investigations into deaths of other prominent trade unionists is noted.

58. In another country, a prominent local trade unionist was seized from his home by the army on the night of 15 June 1989. Three days later his body, bearing signs of torture and bullet wounds, was found on a river bank. The military authorities denied holding him and there appears to have been no investigation into his murder.

E. Church workers

59. It is reported that, in one country, at least seven church workers known for their social and human rights work were killed by military or paramilitary forces in April and May 1989.

60. In another country, there are reports of an alarming increase in human rights violations directed at religious leaders and church workers. Since the intensification of armed conflict, six Jesuit priests were killed in circumstances suggesting their extrajudicial execution. Allegedly, dozens of church workers of various denominations have been detained and there have been

frequent allegations of ill-treatment of detainees. Numerous churches and premises belonging to religious organizations have been raided by the security forces and lay workers as well as members of the clergy have received death threats.

F. Human rights workers

61. Reportedly, in one country during 1989, two lawyers who had sought redress through the courts for victims of alleged human rights violations were warned to stop doing so and then killed. Another lawyer who was abducted and killed appeared at a magisterial inquiry into the police shooting of a young man last year, and two witnesses at the same inquiry were killed in unknown circumstances. Several other lawyers have also been threatened with death.

62. In another country, since late 1987, six human rights lawyers have been killed in circumstances suggesting extrajudicial execution by military or paramilitary personnel.

63. Elsewhere, on 23 August 1989, in one of many such cases, a lawyer and new director of a human rights commission was found dead a few hours after he had been seized at his home by masked armed men believed to be members of the security forces. Assassination of, and death threats against, human rights lawyers jeopardize the legal process itself.

G. Journalists

64. On 19 September 1989, a 46-year-old journalist was shot dead, allegedly in connection with his reports on the killing of 14 people in the area by security forces two weeks earlier. There are reports of journalists in government controlled media being accused of bias, threatened and killed. It is alleged that others, who have reported too closely on the activities of the security forces, have also been threatened and killed.

H. Environmental campaigners

65. Reference has already been made to one prominent environmental campaigner and trade unionist who was assassinated in late 1988. In another country, an outspoken critic of environmental destruction was arrested on 7 December 1989. During his detention he was admitted to hospital for one day; eyewitnesses report he could not stand and his face was so swollen he could scarcely see. He died in his cell on 28 December 1989, reportedly as a result of torture and ill-treatment to which he was subjected during detention.

I. Ethnic groups

66. Reports have been received indicating that more than 200 people have been detained, incommunicado and without charge, since April 1989 following an alleged coup attempt. They are virtually all from one ethnic group and the authorities have not revealed the reasons for their arrest and their whereabouts. Many of these prisoners are believed to have been detained solely because of their ethnic origin, or family relationship with the leaders of the alleged coup attempt and other government opponents, rather than because they had actually been involved in a conspiracy against the Government.

67. In April 1989, in two neighbouring countries, hundreds of people were deliberately killed in mob violence. The victims appear to have been singled out not simply because of their nationality but because of their racial origins.

68. In one of the two countries, the violence ended by late April 1989, with many of those involved being arrested on criminal charges. In the other country, however, the violence has continued, reportedly with operations against one ethnic group being carried out by the Government's own security forces and the scale of human rights violations reaching a level unprecedented in recent years.

VI. ARREST AND DETENTION WITHOUT GROUNDS OR ON ILL-DEFINED OR DUBIOUS GROUNDS

69. Information was submitted about provisions in one country which enable the police to detain suspects for lengthy interrogation without referring their cases to the judiciary. Suspects are kept incommunicado in the sole custody of the police or interrogating officer. Some students arrested in the summer of 1989 were kept in custody under these provisions for up to 49 days.

70. Similar provisions, equally open to abuse, in another country, permit pre-charge detention in police custody for up to 30 days.

VII. ADMINISTRATIVE DETENTION WITHOUT CHARGE OR TRIAL AND OTHER EXECUTIVE AND PREVENTIVE DETENTION

71. It is reported that Governments in numerous countries retain the power to detain without trial. In one country, allegedly thousands of prisoners were detained without charge or trial under Emergency Regulations. In another, it is reported that, on 11 August 1989, 148 people were detained without trial. In addition, it is alleged approximately 680 people were subject to restriction orders imposed under State of Emergency Regulations. Restriction orders usually confine an individual to a specific district and require them to stay at home at night and to report to the police daily, or twice a day.

72. Information submitted by one organization included a study of the past and present practice of preventive detention in five countries.

VIII. UNFAIR TRIALS

73. It was alleged that the fundamental principles of fair trial, as recognized by the International Covenant on Civil and Political Rights and other international instruments, were seriously violated in a number of countries.

74. In one case, for example, it was reported that nine soldiers were accused of attempted arson and the court refused to hear witnesses and other evidence proposed by the defence. At this trial, as at many other political trials, public access was restricted. The court declined to investigate allegations that threats and other psychological and physical pressures had been used against some of the defendants and witnesses. In June 1989 the accused were convicted and sentenced to between 3 and 10 years' imprisonment.

IX. MAIN FEATURES WHICH APPEAR TO EMERGE FROM THE REPLIES AS A WHOLE

75. The information received tends to corroborate the main features which emerged in the previous synopses (E/CN.4/Sub.2/1989/22; E/CN.4/Sub.2/1988/15; E/CN.4/Sub.2/1987/13; E/CN.4/Sub.2/1985/13; E/CN.4/Sub.2/1984/13; E/CN.4/Sub.2/1983/13). However, it is appropriate to highlight the following features.

A. Conditions of detention

76. The information suggests that, quite apart from allegations of torture or specific ill-treatment, the daily conditions prevalent in many prisons and detention centres are extremely harsh. One organization argued that the daily conditions themselves amount to inhuman and degrading treatment.

77. It was reported, for example, that for nine months in 1987-1988 detainees in a particular prison received only a small quantity of boiled rice each day, without any meat or salt. They were so hungry that some of them allegedly resorted to eating leaves of trees or grasses collected while they were outside their detention centre doing hard labour.

78. In another country, the controller of prisons in one State reportedly said that 273 prisoners had died in the State in 1989 because of a shortage of drugs and vehicles to transport prisoners to hospital and because of overcrowded conditions. The State's prisons, with a total capacity of 2,700 prisoners, currently hold about 5,600, the majority of them remanded to await trial.

79. In a third country, some prisoners were detained for hours or days in closet-type cells too small to sit down in. However, in May 1989, following complaints, the Government ordered the demolition of the closet-cells in detention centres in two regions. The order was promptly implemented.

B. Governmental failure to conduct effective investigations into allegations

80. An organization observes that the procedures used to investigate disputed killings in some cases are ineffective as a means of establishing all the facts and making them public. Indeed, in many cases, there appears to be no official investigation at all. The organization quotes the report dated 19 January 1988 of the United Nations Special Rapporteur on summary or arbitrary executions which sets out the minimum requirements for the proper investigation into all cases of suspicious deaths.

> "(a) Promptness: the investigation should be carried out immediately following the discovery of such a death;
>
> (b) Impartiality: the investigation should be carried out by a person or persons or an authority whose impartiality is guaranteed and protected;

(c) Thoroughness: the investigation should include an adequate autopsy, collection and analysis of evidence, and statements from witnesses, hence the person(s) or authority investigating should be given the necessary powers, assistance and logistic support;

(d) Protection: complainants, witnesses and persons investigating and their families should be given effective protection from violence or any form of threats;

(e) Representation of the family of the victim: the family of the victim and its legal counsel should be able to participate in the investigatory proceedings and have access to substantive information at various stages of the investigation;

(f) Publication of the findings: the methods and findings of the investigation should be made public;

(g) Independent commission of inquiry: in cases in which the normal investigatory procedure is inadequate, an independent commission of inquiry or similar procedure should be secured. Such a commission should have the necessary authority and powers to carry out impartial and effective investigation."

81. Comparable requirements might reasonably be asked of investigations into all serious human rights allegations. In some countries, not only is there an absence of effective investigations, but legal provisions would appear to impede the course of inquiries. For example, one emergency regulation permits the disposal of bodies by the security forces without post-mortem or inquest. In practice, one reporting organization argues, this provision shields security force members from prosecution for illegal killings by permitting them to destroy bodies without any inquiry being conducted into the cause or circumstances of death.

C. Obstruction of investigations

82. Information submitted indicates that where investigations into human rights abuses are begun, they may be obstructed by other agencies.

83. In one case, a Commission of Inquiry was established to investigate a massacre of some 1,000 people on 28 March 1987. Its report was not made public. The Government announced a second committee would investigate the incident, but reportedly its independence is questionable.

84. Meanwhile two university lecturers conducted their own investigation and published a report which concluded that government policy was "at the root" of the massacre. Allegedly, after the publication of the report, the authors were subjected to official harassment.

85. In another country, a 12-member judicial commission of inquiry was established to investigate a series of political killings and "disappearances" attributed to paramilitary groups and army personnel. The commission was intercepted by a group of heavily armed gunmen who first bound and then shot dead the members with automatic weapons. The victims included two examining

magistrates, their secretaries, six judicial detectives and two drivers. Three other detectives were wounded in the attack. Although military authorities promptly attributed responsibility for the killings to guerrilla forces, judicial investigations established that army-linked paramilitary forces based in the region were responsible.

D. Secrecy

86. By definition, some of the phenomena reported in this synopsis, such as the activities of death squads, are cloaked in secrecy. Furthermore, other phenomena, such as the practice of torture, are so morally repugnant that they invariably occur in secret. However, the information submitted discloses a preoccupation with official secrecy which extends beyond these phenomena.

87. In one country, for example, it is alleged that official secrecy conceals the whereabouts of hundreds of prisoners arrested in the last eight years. It is reported that when the Government discloses the names of released prisoners, the reasons for imprisonment are not divulged. Former members of the security forces have alleged that government officials add false names to lists of released prisoners.

88. In another country, the number of formal complaints of killings involving the police were published each year, up to and including 1984. Thereafter, the Government stopped publishing these important statistics.

89. Finally, in a third country, the Government does not issue yearly statistics of the numbers of people subjected to capital punishment.

E. Death penalty

90. The General Assembly recently adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty (resolution 44/128); the information submitted, however, continues to disclose a persistent trend concerning the imposition of the death penalty.

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Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session

Item 10 (a) of the provisional agenda

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Report of the Secretary-General

Succinct information on developments in the human rights programme and on the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	1

GE.90-12548/2205B

CONTENTS (continued)

Chapter		Paragraphs	Page
I.	ENHANCED COLLABORATION WITH THE HUMAN RIGHTS PROGRAMME	4 - 5	1
II.	CO-ORDINATION OF TECHNICAL CO-OPERATION ACTIVITIES	6 - 9	2
III.	IMPLEMENTATION OF STANDARDS	10 - 12	3
IV.	PREPARATIONS FOR THE EIGHTH CONGRESS	13 - 59	3
	A. Eleventh session of the Committee on Crime Prevention and Control	13 - 15	3
	B. Implementation reports	16 - 22	4
	1. Standard Minimum Rules for the Treatment of Prisoners	16 - 17	4
	2. Code of Conduct for Law Enforcement Officials	18	5
	3. Basic Principles on the Independence of the Judiciary	19	5
	4. Standard Minimum Rules for the Administration of Juvenile Justice	20	5
	5. Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty	21	5
	6. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	22	6
	C. New standards	23 - 43	6
	1. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials	25 - 26	6
	2. Basic Principles on the Role of Lawyers	27 - 31	7
	3. Guidelines on the Role of Prosecutors	32 - 33	8

CONTENTS (continued)

Chapter				Paragraphs	Page
IV. (cont'd)	C.	4.	Basic Principles for the Treatment of Prisoners	34	9
		5.	Standard Minimum Rules for Non-Custodial Measures	35 - 36	10
		6.	Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released	37 - 39	10
		7.	Guidelines for the Prevention of Juvenile Delinquency	40 - 41	11
		8.	Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty	42 - 43	11
	D.		Capital punishment	44 - 48	12
	E.		Extra-legal, arbitrary and summary executions	49	13
	F.		Prevention of victimization and protection of victims	50 - 53	13
	G.		AIDS in prison	54 - 55	14
	H.		Computerization of criminal justice administration	56 - 59	14

INTRODUCTION

1. In its resolution 1988/33 of 8 March 1988, entitled "Human rights in the administration of justice", paragraph 6, the Commission on Human Rights reminded the Sub-Commission of its request (resolution 1987/33) when carrying out its annual review of the human rights of persons subjected to any form of detention or imprisonment, to include in its consideration the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control bearing upon the subject. It also requested the Secretary-General to continue making available to the Sub-Commission succinct information on these matters.

2. The present report is the fourth to have been prepared by the Secretary-General. In view of the forthcoming holding of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, at Havana, Cuba, from 27 August to 7 September 1990, it focuses on the developments and activities within the United Nations programme on crime prevention and control and on the preparation for the Congress as they relate to the question of human rights of persons subjected to any form of detention or imprisonment. Because of the lack of information at the time of the preparation of the present report, it does not reflect the work of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and developments under other international human rights instruments.

3. Previous reports are contained in documents E/CN.4/Sub.2/1987/14, E/CN.4/Sub.2/1988/16 and E/CN.4/Sub.2/1989/23.

I. ENHANCED COLLABORATION WITH THE HUMAN RIGHTS PROGRAMME

4. In order to maximize the effectiveness of the work and avoid overlap or duplication of activities, the Centre for Social Development and Humanitarian Affairs maintains close contacts with the Centre for Human Rights in all its activities related to human rights in the administration of justice, in accordance with General Assembly resolutions 40/146, 41/149, 42/143, 43/153 and 44/162 and Commission on Human Rights resolutions 1987/33, 1988/33, 1989/24 and 1990/81. For this purpose, focal points have been created and are being further developed within both Centres to monitor the human rights aspects of the administration of justice within the various elements of United Nations programmes in this field, as well as the work of specialized agencies, regional organizations and non-governmental organizations in consultative status, and to provide, as appropriate, advice on co-ordination and other relevant issues. Particular emphasis is being placed on the following areas: victims of crime and abuse of power; independence of the judiciary, role of lawyers; role of prosecutors; law enforcement, including use of force and firearms by the police; treatment and human rights of prisoners and detainees; extra-legal, arbitrary or summary executions; and capital punishment.

5. Co-operation between both programmes is being further strengthened, with special emphasis on preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, Cuba, 27 August to 7 September 1990). The General Assembly, in its resolution 44/162, recognized the significant work accomplished by the crime prevention and criminal justice

programme in the area of administration of justice and human rights, including the results of the interregional and regional preparatory meetings for the Congress. Subsequently, the Commission on Human Rights, in its resolution 1990/81, expressed the need for further intensified co-operation in this field between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs. The Secretary-General was requested to inform the Commission at its forty-seventh session on the decisions taken by the Eighth Congress relevant to human rights in the administration of justice.

II. CO-ORDINATION OF TECHNICAL CO-OPERATION ACTIVITIES

6. With a view to strengthening technical co-operation activities with the Centre for Human Rights, collaborative initiatives have been developed under the United Nations Human Rights Advisory Programme. UNOV/CSDHA collaborated in a Seminar on Human Rights in the Administration of Justice held in Moscow in October 1988. Advisory services on human rights in the administration of justice were rendered to the Government of Colombia and a follow-up training course on human rights in judicial inquiry was organized in Rome in September 1989, in co-operation with the Government of Italy, the Centre for Human Rights and the United Nations Interregional Crime and Justice Research Institute.

7. In pursuance of Economic and Social Council resolution 1989/65, a workshop on techniques for the investigation of arbitrary and summary executions was organized by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, in San José, Costa Rica, in October 1989, in co-operation with the Minnesota Lawyers' Committee for Human Rights.

8. Joint implementation of training projects on human rights in the administration of justice is further being undertaken with the Centre for Human Rights, for example in Ghana, Haiti and Paraguay. UNOV/CSDHA contributed to the first meeting on interagency co-operation in advisory services and technical assistance in the field of human rights, organized by the Centre for Human Rights in Geneva in 1990, and was represented at the second such meeting, in Geneva in 1990.

9. Beyond the existing co-operation with the Centre in the selection of experts, administration of fellowships and organization of seminars and training courses, numerous areas would deserve special consideration for joint action in the future, e.g. by means of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, in accordance with Commission on Human Rights resolution 1990/59. Such areas might include the following: development of criminal justice training materials, strengthening of legal aid services; training workshops for the judiciary, national and regional seminars on the application of the United Nations Standard Minimum Rules for the Administratin of Juvenile Justice and the new Convention on the Rights of the Child, and activities in the field of human rights in the administration of justice in support of the United Nations institutes for crime prevention and criminal justice. This would further help interested countries to develop or expand a strong national infrastructure for the implementation of standards and norms in crime prevention, criminal justice and human rights.

III. IMPLEMENTATION OF STANDARDS

10. On the recommendation of the Committee on Crime Prevention and Control, at its tenth session, the Economic and Social Council, in its resolution 1989/63 on "Implementation of United Nations standards and norms in crime prevention and criminal justice", made a number of specific recommendations on the subject. The Council invited Governments to adopt in national legislation and practice and to fully implement the standards and guidelines, to design realistic and effective implementation mechanisms and to increase, as far as possible, the level of support to technical co-operation and advisory services. The Secretary-General was requested, inter alia, to take appropriate action to establish pre-sessional working groups of the Committee on Crime Prevention and Control which would, (a) prepare certain items for the Committee's discussions; (b) oversee the elaboration of questionnaires to be used for the reporting system; (c) examine in-depth replies, data and reports received from Governments and other relevant sources; (d) identify general problems that may impinge on the effective implementation of standards and norms and recommend viable solutions.

11. In pursuance of this mandate, the Secretary-General convened a Pre-sessional Working Group at Vienna, on 1 and 2 February 1990, immediately preceding the eleventh session of the Committee. Due to the limited time available, the Working Group, in its report (E/AC.57/1990/WG.2), was unable to draw up specific proposals for the detailed administration, timetable and costs of an implementation programme. It suggested, a pragmatic approach with some concrete steps to be taken, which was endorsed by the Committee.

12. On the recommendation of the Committee, the Economic and Social Council adopted resolution 1990/21 on the implementation of United Nations standards and norms in crime prevention and criminal justice, in which it commended the close co-operation in this area. The Council further reiterated its request to Member States, inter alia, to adopt and implement the standards, provide the needed support to the United Nations institutes in crime prevention and criminal justice and increase, as far as possible, the level of support to technical co-operation and advisory services. The Committee was authorized to continue its practice of convening a pre-sessional working group before each session and the Committee's Chairman to designate members of the Committee to assist the Committee in the periods between its sessions in the implementation of specific standards.

IV. PREPARATIONS FOR THE EIGHTH CONGRESS

A. Eleventh session of the Committee on Crime Prevention and Control

13. The Committee, the preparatory body for the Congress, reviewed and finalized Congress preparations at its eleventh session (Vienna, 5-16 February 1990), at which the Centre for Human Rights was represented. The report of the Committee is contained in document E/1990/31 and Add.1.

14. On the recommendation of the Committee, the Economic and Social Council transmitted to the Congress the following draft instruments and recommendations: (a) Model Treaty on Extradition; (b) Model Treaty on Mutual Assistance in Criminal Matters; (c) Model Treaty on the Transfer of Proceedings in Criminal Matters; (d) Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released; (e) Model Treaty

for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property; (f) Guidelines for the Prevention and Control of Organized Crime; (g) Measures Against International Terrorism; (h) Guidelines for Prevention of Juvenile Delinquency; (i) Recommendations on International Co-operation for Crime Prevention and Criminal Justice in the Context of Development; (j) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; (k) Basic Principles on the Role of Lawyers; (l) Guidelines on the Role of Prosecutors; (m) Standard Minimum Rules for Non-Custodial Measures; (n) Basic Principles for the Treatment of Prisoners; (o) Standard Minimum Rules for the Protection of Juveniles Deprived of Their Liberty.

15. As recommended by the Committee, the Council further adopted the following resolutions: 1990/23 on continuation of preparations for the Eighth Congress; 1990/21 on implementation of United Nations standards and norms in crime prevention and criminal justice; 1990/22 on victims of crime and abuse of power; 1990/20 on prison education; 1990/24 on education, training and public awareness in the field of crime prevention; 1990/18 on United Nations surveys of criminal justice; and 1990/19 on technical co-operation in the field of crime prevention and criminal justice.

B. Implementation reports

1. Standard Minimum Rules for the Treatment of Prisoners

16. The Congress will have before it for its considration the fifth quinquennial report of the Secretary-General on the implementation of these Rules (A/CONF.144/11), prepared in pursuance of Economic and Social Council resolutions 663 C I (XXIV) and 1984/47. The report is based on replies to a survey received from 46 Governments and several United Nations institutes in crime prevention and criminal justice as well as non-governmental crime prevention and criminal justice as well as non-governmental organizations concerned. In the preparation of the report, special emphasis has been placed, inter alia, on the status of prisoners, prison work, and educational and vocational training, in accordance with recommendations 10 and 17 of the Seventh Congress. Further, as proposed by the Interregional Preparatory Meeting for the Eighth Congress on Topic 2: "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures" in its resolutions I, II, and in paragraph 51 of its report (A/CONF.144/IPM.4), due attention has also been given to practical strategies aimed at improving prison conditions and the technical means of reducing overcrowding.

17. As in the past, the survey is being carried out on the understanding that many provisions of the rules are likewise applicable to persons arrested or imprisoned without charge, in accordance with Rule 95. In view of this, the report might be of special interest to the Sub-Commission in its further deliberations on the practice of administrative detention, on the basis of Mr. Louis Joinet's report (E/CN.4/Sub.2/1989/27), in accordance with Commission on Human Rights decision 1990/107.

2. Code of Conduct for Law Enforcement Officials

18. The Congress will also consider before it a report of the Secretary-General on the implementation of the Code (E/AC.57/1988/8 and Add.1/Rev.1 and Add.2), prepared in pursuance of Economic and Social Council resolution 1986/10, section IX. This report updates the previous report on the subject, presented to the Seventh Congress in document A/CONF.121/12 and is thus based on the replies of a total of 79 States to two surveys, conducted in 1984-1985 and 1987-1988. It focuses on the relevance and application of the Code, safeguards against its violation and restraints on the use of force and firearms by law enforcement officials. The report, as well as the Code and the new guidelines for its effective implementation (ECOSOC resolution 1989/61), may also be used as background documents at workshops and other meetings on issues pertinent to the Code, to be organized by Governments, with the assistance of the Secretary-General, in response to Commission on Human Rights resolution 1990/37.

3. Basic Principles on the Independence of the Judiciary

19. The Congress further will have before it a report of the Secretary-General on the implementation of the Principles (A/CONF.144/9), prepared in response to Economic and Social Council resolution 1986/10, section V, and based on replies to a survey received from 71 States and several United Nations institutes and non-governmental organizations concerned have replied. The report was prepared in accordance with the new procedures for the effective implementation of the principles (ECOSOC resolution 1989/60). It pays special attention to the dissemination of the Principles, the problems faced in their implementation, the qualifications and status of judges and suggestions for the future implementation of the Principles, including the role of the United Nations in this regard.

4. Standard Minimum Rules for the Administration of Juvenile Justice

20. In addition, the Congress will consider a report of the Secretary-General on the implementation of the Standard Minimum Rules for the Administration of Juvenile Justice (A/CONF.144/4), prepared in pursuance of General Assembly resolution 40/33 and Economic and Social Council resolution 1989/66. The report contains information on the implementation of the Rules received from 50 Governments, as well as from United Nations offices, United Nations institutes and intergovernmental and non-governmental organizations concerned. It highlights the reforms and changes brought about by the Rules in juvenile justice systems all over the world.

5. Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty

21. The Congress will also consider a report of the Secretary-General on the implementation of the Safeguards (E/AC.57/1988/9 and Corr.2), prepared in accordance with Economic and Social Council resolution 1986/10, section X. The report, which is based on the replies to a survey received from 74 countries, reviews the status of the implementation of the Safeguards, including ways and means of their dissemination in Member States.

6. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

22. Finally, the Congress will have before it a report of the Secretary-General on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3), prepared in pursuance of Economic and Social Council resolution 1986/10, section III, and based on the replies of 21 Member States to a United Nations survey. This report is supplemented by a subsequent report on the Declaration (document A/AC.57/1990/3), submitted to the eleventh session of the Committee on Crime Prevention and Control in February 1990. These reports summarize the work carried out so far in implementing the Declaration and outline priority areas for further action, including the development of international means of recourse where national channels may be insufficient and the elaboration of more detailed provisions for victims of abuse of power.

C. New standards

23. Several instruments related to human rights in the administration of justice were elaborated by the Committee on Crime Prevention and Control, in pursuance of existing mandates and in close co-operation with the human rights programme, taking into account previous work accomplished in these areas as well as the recommendations of the regional preparatory meetings (A/CONF.144/RPM.5) and observations and comments received from Governments, specialized agencies, the United Nations institutes in the field of crime prevention and criminal justice, non-governmental organizations in consultative status with the Economic and Social Council and individual experts.

24. All instruments contained in document E/1990/31 and Add.1 set out, on the basis of a general consensus, principles accepted by the international community so that favourable consideration can be given to their use within the framework of national legislation and practice.

1. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

25. In their replies to the 1984-85 United Nations survey on the implementation of the Code of Conduct for Law Enforcement Officials, Governments expressed the view that there was a need for greater specification of the provisions on the use of force and firearms by law enforcement officials, contained in article 3 of the Code (A/CONF.121/12, paras. 20-25). The Interregional Preparatory Meeting of Experts for the Seventh Congress also expressed concern about that issue and identified a range of elements on the use of force and firearms for further work in that area (A/CONF.121/IPM/3, para. 34). Accordingly, the Seventh Congress, in resolution 14, called for measures for effective implementation of the Code, emphasizing that the use of force and firearms by law enforcement officials should be commensurate with due respect for human rights. In implementing the Congress resolution, the Economic and Social Council, in resolution 1986/10, section IX, invited Member States to pay particular attention, inter alia, to the use of force and firearms by law enforcement officials. The gravity of the matter is confirmed by ongoing international concern with the use of force and firearms, as stressed by several international and regional bodies, such as the United Nations Commission on Human Rights (see its resolution 1990/37) and the

Sub-Commission on Prevention of Discrimination and Protection of Minorities (see its resolution 1989/33), as well as by the Council of Europe (see Art. 2, para. 2, of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

26. In view of this, and in order to assist the Congress in its deliberations on this subject, the Committee on Crime Prevention and Control has formulated a set of Draft Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In their elaboration differentiations were made on the one hand between general provisions applicable to the use of force and firearms, and special provisions applicable to the use of firearms only, and on the other hand between various ways of use of force and firearms: by individual law enforcement officials; in formation and larger units; and by prison officers. Special consideration was further given to:

(a) The use of force and firearms as a last resort;

(b) The importance of addressing ethical issues concerning the use of force and firearms;

(c) The significance of new technologies relating to the development of non-lethal incapacitating weapons and ammunition for use in appropriate situations;

(d) The need for graduated responses by law enforcement officials that should be proportionate to the situation to be controlled;

(e) The importance of qualifications and training if the use of force or firearms by law enforcement officials was to comply with the Basic Principles;

(f) The need for stress-counselling for law enforcement officials who become involved in situations where the use of force or firearms is necessary in the course of their duties;

(g) The requirement of effective reporting and review procedures in relation to such incidents.

2. Basic Principles on the Role of Lawyers

27. The Economic and Social Council, in its resolution 1986/10, section XII, of 21 May 1986, requested the Committee on Crime Prevention and Control to pay particular attention to the role of lawyers. The Council further requested the Secretary-General to study this question with a view to assisting the Committee in its task and to prepare a preliminary report for consideration and further action by the Committee at its tenth session. This request of the Council was based on resolution 18 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, inter alia, recognizes that adequate protection of the rights of citizens requires that all persons have effective access to legal services provided by the lawyers.

28. With a view to assisting the Congress in its deliberations on this subject, the Committee on Crime Prevention and Control has formulated Basic Principles on the Role of Lawyers, taking into account, inter alia, the pertinent provisions of the Draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, adopted by the

General Assembly, in its resolution 43/173, as well as the findings of the committee of experts at the International Institute of Higher Studies in Criminal Sciences, which dealt with the topic of the independence of the legal profession at a meeting at Noto, Italy, May 1982. Of further relevance were the conclusions of the International Seminar on the Rights of the Defence, held by the Council of Europe at Madrid, Spain, in 1984, at the invitation of the Ministry of Justice, the General Bar Council of Spain and the Madrid Bar.

29. In accordance with resolution 1989/32 of the Commission on Human Rights, due account was further taken, in drawing up the Basic Principles, of the study and draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1985/18 and Add.1-6 and E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1). Also, special attention was paid to recommendations made at various meetings organized by concerned non-governmental organizations in consultative status with the Economic and Social Council, such as the Conference of the International Commission of Jurists, held under United Nations auspices at Caracas from 14 to 16 January 1989, the Conference of the International Bar Association, held at Strasbourg from 2 to 6 October 1989, and the XIV International Congress on Penal Law, held at Vienna from 1 to 7 October 1989.

30. The Principles may be of particular interest to the Sub-Commission in considering the report on the right to a fair trial, prepared by two of its members, Mr. Stanislaus Chernichenko and Mr. William Treat, in pursuance of Commission on Human Rights decision 1990/107 and Sub-Commission resolution 1989/27. The approach of the Principles is limited but well focused: they contain pragmatic suggestions for the day-to-day operation of the legal profession, with emphasis on criminal justice. In accordance with resolution 18 of the Seventh Congress and the Economic and Social Council resolution 1986/10, special attention is given to the following issues: provision for effective access to legal assistance for all groups within society; the right of the accused to counsel and legal assistance of their own choosing; the education of the public on the role of lawyers in protecting fundamental rights and liberties; training and qualifications of lawyers, and the prevention of discrimination with respect to entry into legal profession; the role of Governments, bar associations and other professional associations of lawyers; the right of lawyers to undertake the representation of clients or causes without fear of repression or persecution; and the obligation of lawyers to keep communications with their clients confidential, including the right to refuse to give testimony on such matters.

31. As will be recalled, the Commission on Human Rights, in resolution 1990/33, requested the Eighth Congress to consider the Principles as a matter of priority, with a view to their adoption.

3. Guidelines on the Role of Prosecutors

32. These Guidelines were drawn up by the Committee on Crime Prevention and Control in pursuance of resolution 7 of the Seventh Congress, paying special attention to the requirements of fairness, openness, accountability and efficiency in matters relating to prosecution; qualifications, selection and training of prosecutors; their status, conditions of service and tenure; discretionary powers of prosecutors; their role in criminal proceedings; alternatives to prosecution; relations with the police and other public institutions; and disciplinary proceedings.

33. Particular emphasis was further placed on the following issues:

(a) Importance of the prosecutorial decision. The decision whether or not to prosecute is the most significant step in the prosecutorial process. A wrong decision to prosecute or to waive prosecution may undermine public confidence in criminal justice. In addition, the decision-making process should give due consideration to the interests of the victim, the suspect and the community;

(b) Special position of the prosecutor. The position of the prosecutor imposes responsibilities not faced by the defence lawyers, because the prosecutor can never work for the wrong result. Defence lawyers can ethically defend a guilty person and still be serving justice; the prosecutor, conversely, must never prosecute a person of whose innocence he or she is convinced;

(c) Exclusion of discriminatory factors in prosecutorial decision-making. A decision whether or not to prosecute should not be influenced by such factors as the following:

(i) Race, religion, sex, national origin or political association, activities or beliefs of the suspect or any other person involved;

(ii) Personal feelings concerning the suspect or the victim;

(iii) Possible political advantage or disadvantage to the Government or any political group or party;

(iv) Possible effects of the decision on the personal or professional circumstances of those responsible for the prosecution decision;

(d) Exercise of discretionary functions. In countries where prosecutors are vested with discretionary functions, fairness, openness, consistency and accountability in prosecutorial decision-making are of particular importance. However, fairness does not mean weakness, nor does consistency mean rigidity. In view of the multiplicity of factors to be considered, the criteria for the exercise of discretion cannot be reduced to a strict formula. While it would be impossible to avoid certain elements of subjectivity in prosecutorial decisions, the potential for inconsistency can be reduced. In this regard, the law and the prosecuting authority itself should provide prosecutors with objective criteria for decision-making and with mechanisms and safeguards for the internal review of decisions in appropriate cases to prevent or limit abuses of the prosecutor's far-reaching powers, thus ensuring both consistency and accountability.

4. Basic Principles for the Treatment of Prisoners

34. The Congress has before it for its consideration and appropriate action a set of Basic Principles, originally proposed by the Latin American and Caribbean Regional Preparatory Meeting (A/CONF.144/RPM.3/Corr.2), on the basis of a statement submitted to the tenth session of the Committee on Crime Prevention and Control by several non-governmental organizations in consultative status (E/AC.57/1988/NGO/5). The Principles stipulate, inter alia, that all prisoners should be treated with the respect due to their inherent dignity and value as human beings, without discrimination of any

kind. Except for the necessary limitations of the freedom of movement, all prisoners should retain the human rights and fundamental freedoms set out in universally recognized international instruments. The responsibility of prisons for the custody of prisoners and for the protection of society against crime should be discharged in keeping with a State's other social objectives and its fund responsibilities for promoting the well-being and development of all members of society.

5. Standard Minimum Rules for Non-Custodial Measures

35. The Rules are the result of a growing international recognition of non-custodial sanctions as separate, independent penal measures as well as alternatives to imprisonment. At the same time, the Rules are a reaction to increasing prison population and overcrowding in many countries. They provide a set of basic principles for the use of non-custodial measures as well as minimum safeguards for persons subject to their application, in an attempt to take into account the human rights and needs of individual offenders and victims as well as the concern of society for public safety and crime prevention. They also advocate the broad application of non-custodial measures to persons subject to prosecution, trial or the execution of a sentence and promote greater community involvement.

36. The Rules further place special emphasis on legal safeguards by emphasizing the importance of the rule of the law, the offender's consent to non-custodial measures, judicial review recourse and redress as well as the right to privacy and confidentiality of records. Other important issues set out in the Rules include the avoidance of pre-trial detention; exercise of discretionary power; broadening the scope of non-custodial measures as sentencing and post-sentencing dispositions; limitations and conditions of supervision and treatment and the consequences of violations of conditions; recruitment, qualification and training of staff; role of volunteers and other community resources; and research and increased international co-operation.

6. Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released

37. The Economic and Social Council, in its resolution 1986/10, section VIII, requested the Committee on Crime Prevention and Control to formulate a model agreement on the transfer of supervision of foreign offenders conditionally sentenced or conditionally released for possible consideration by the Eighth Congress. This request of the Council was based on resolution 13 of the Seventh Congress, in which the Committee was requested to study this subject and to consider the possibility of formulating such model agreement.

38. The Model Treaty, elaborated by the Committee in pursuance of these mandates, draws on the experience gained from pertinent existing conventions, treaties and agreements. As previously outlined in document E/AC.57/1988/7 on the subject, the Model Treaty focuses on the purpose of the institution of transfer of supervision and the need for a clear differentiation between various forms and solutions and the diversity of the legal and technical problems involved. Special attention is given to the scope of the model agreement, the types of transfer as well as the underlying basic principles relating to national sovereignty, dual criminality, rights of the victim, double jeopardy (ne bis in idem), adaptation and non-aggravation.

39. In view of the desirability of transferring supervision of conditionally sentenced or conditionally released offenders to the offenders' home countries and the need for further international or bilateral agreements effectively facilitating such transfers, the adoption of the Model Treaty by the Eighth Congress would complement the Model Agreement on the Transfer of Foreign Prisoners, adopted by the Seventh Congress, and thus be a further significant step towards intensified international co-operation in criminal justice matters.

7. Guidelines for the Prevention of Juvenile Delinquency

40. The Guidelines were elaborated by the Committee on Crime Prevention and Control, in pursuance of General Assembly resolution 40/35 and Economic and Social Council resolution 1986/10, on the basis of work undertaken by the Secretariat, with the assistance of the Institute of Criminology, Cambridge University. They represent a set of universally applicable principles to prevent juvenile delinquency at the pre-conflict stage, i.e. the stage before juveniles come into conflict with the law. Particular attention is paid to early preventive and protective intervention modalities for all young persons, with focus on children "at social risk". In order to avoid labelling a child in difficult circumstances or conflictive situations as "delinquent", the Guidelines advocate that coercive or excessive official intervention should be restricted.

41. The Guidelines take account of the different aspects and complicated dimensions of the problem of juvenile delinquency. They highlight the potential role of various social agencies in the prevention of juvenile delinquency, such as family, education, mass media, community and youth organizations. They also advocate a child-centered orientation and encourage young persons to have an active role, rather than be considered as objects of socialization, control and prevention.

8. Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty

42. The Rules were elaborated by the Committee on Crime Prevention and Control in pursuance of resolution 21 of the Seventh Congress, General Assembly resolution 40/35, and Economic and Social Council resolution 1986/10. They stress, inter alia, that deprivation of liberty should be a disposition of last resort and juvenile detention should be used only to the least extent possible. They also recognize that young persons have the right to benefit from measures designed to meet their special needs and to protect their well-being, with due regard to their individual characteristics and personality formation. In particular, the Rules call for the separation of juveniles from adult offenders and the classification of juveniles according to their sex, age, personality and type of offence, with a view to ensuring their protection from harmful influences and risk situations. They further provide a detailed list of requirements for the personnel and the management of juvenile facilities.

43. Both the Rules as well as the Guidelines mentioned under D, III, 7 above, complement the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), adopted by the Seventh Congress, thus covering various aspects of juvenile justice and the protection of the young. When adopted by the Eighth Congress, the two new instruments, along with the

Beijing Rules and the recently adopted Convention on the Rights of the Child, will provide Member States with a comprehensive set of international instruments which will constitute a "yardstick" against which it will be possible to measure legislative and policy-making action being taken by Governments in the field of juvenile justice and delinquency prevention. The Rules may also be taken into account by Mrs. Mary Concepción Bautista in the preparation of her report on the application of international standards concerning the human rights of detained juveniles, in accordance with Sub-Commission resolution 1989/31. They may further be of interest to the Sub-Commission's Special Rapporteur on human rights and youth, Mr. Dumitri Mazilu, in updating his report on the subject (E/CN.4/Sub.2/1989/41 and Add.1), in pursuance of Sub-Commission resolution 1989/45.

D. Capital punishment

44. The attention of the Sub-Commission is drawn to the fourth quinquennial survey on capital punishment (E/1990/38/Rev.1), called for by Economic and Social Council resolution 1745 (LIV) and prepared mainly on the basis of information received from 43 Member States for the period 1984-1988. In order to provide a more complete picture of world-wide trends, the survey refers to a United Nations report on the subject, prepared in 1988 by Roger Hood, submitted to the Committee on Crime Prevention and Control at its tenth session, and published by the Oxford University Press as a special issue of the International Review of Criminal Policy, and to the latest report on the implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (E/AC.57/1988/9 and Corr. 1 and 2). Account is also taken of additional information provided by non-governmental organizations in consultative status, in pursuance of General Assembly resolutions 40/146, 41/149, 42/143, 43/153 and 44/162 on administration of justice and human rights. Further, reference is made to the Second Optional Protocol to the International Covenant of Civil and Political Rights, Aiming at the Abolition of Capital Punishment, adopted by the General Assembly in its resolution 44/128 of 30 January 1990.

45. The Hood Report, referred to above, concluded inter alia that capital punishment had a far greater symbolic than practical significance. This conclusion was based on findings suggesting that a substantial number of countries, which have introduced the death penalty for a wider range of offences, have not enforced it. It, therefore, appeared that capital punishment had a far greater symbolic than practical significance. It was also concluded that countries with discretionary capital punishment employ various mechanisms designed to limit executions to the few most serious cases. This raised the issue of whether the law and procedures resulted in equitable or in arbitrary and discriminatory enforcement. The findings of many criminological studies of decisions by prosecutors, juries, judges and courts of appeal have supported the conclusion that no legal formula could be devised which will eliminate unacceptable arbitrariness and discrimination in the use of the death penalty.

46. In view of the limited number of responses received from Member States, the conclusions of the fourth quinquennial survey could reflect only partially regional or global situations concerning the death penalty. There was, however, a clear need to distinguish between sporadic popular support for capital punishment and well informed opinion, since the former was often a spontaneous reaction to certain forms of crime. In this respect further

efforts should be made to reverse such support by devising educational measures to emphasize respect for human life, while stressing the findings of criminological research on erroneous perceptions about the deterrent effect of capital punishment.

47. The survey and the Hood Report may be of special interest to the Sub-Commission in its deliberations on the application of the death penalty to persons under 18 years of age, on the basis of a report to be submitted by the Secretary-General to the Sub-Commission's 1990 session, in accordance with its resolution 1989/32.

48. In future, in accordance with Economic and Social Council resolution 1989/64, the report on capital punishment will be combined with the implementation report on the Safeguards Guaranteeing the Protection of Those Facing the Death Penalty.

E. Extra-legal, arbitrary and summary executions

49. Further to the adoption by the Economic and Social Council in its resolution 1989/65 of the "Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions", as endorsed by the General Assembly in resolution 44/162, UNOV/CSDHA has prepared a Manual on this subject as a technical publication under the 1990-1991 programme budget. The Manual, to be published after the Eighth Congress, includes an overview of United Nations and other intergovernmental and non-governmental human rights and criminal justice action on the above question. It further contains a set of Principles and a number of legal and forensic protocols developed as a technical advice by the Minnesota Lawyers International Human Rights Committee, with a view to facilitating the investigation and prevention of such executions.

F. Prevention of victimization and protection of victims

50. The Economic and Social Council, in its resolution 1990/22 on victims of crime and abuse of power, inter alia, invited the Eighth Congress to recommend the wide distribution of a Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power and Measures taken to implement the Victims Declaration (A/CONF.144/20). Further, the Council recommended that Member States and the United Nations interregional and regional institutes should take the necessary steps to provide suitable training in issues concerning victims to professional and others dealing with victims, taking into account the model training curricula developed for this purpose (E/AC.57/1990/NGO.3). The Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities was requested to take into account, in his study of compensation to victims of gross violations of human rights (see Commission on Human Rights resolution 1990/35 and Sub-Commission resolution 1989/13), the relevant work and recommendations of the Committee on Crime Prevention and Control.

51. In resolution 1990/11/1 (16 February 1990) on a world foundation on crime control and assistance to victims, the Committee further recommended to the Eighth Congress to give favourable consideration to the establishment of such a foundation, under the auspices of the United Nations.

52. In addition, the Congress has before it for its consideration a draft resolution on the protection of human rights of victims of crime and abuse of power (E/AC.57/1990/L.29), transmitted by the Council, on the recommendation of the Committee on Crime Prevention and Control, at its eleventh session. This draft resolution, which in turn is based on draft resolution 2 of the Western Asia Regional Preparatory Meeting (A/CONF.144/RPM.4), invites States to take appropriate measures to implement the Victims Declaration and recommends to the United Nations and other organizations concerned to strengthen their technical co-operation activities in order to help Governments to implement the Declaration and other relevant guidelines, and to strengthen international co-operation in this respect.

53. Valuable follow-up to the Declaration continues to be provided by non-governmental organizations. For example, an international workshop on victims of abuse of power and victim rights was convened at Dubrovnik, Yugoslavia, in May 1990, by the International Society of Victimology, which also organized, in April 1990, a Latin American regional preparatory meeting for the Seventh International Symposium of Victimology, to be held in Rio de Janeiro from 25 to 30 August 1991. A guide of victims' rights is also being prepared by the European Forum of Victims Services, which has held a series of meeting on the subject.

G. AIDS in prison

54. In 1989 and 1990 UNOV/CSDHA has collaborated with WHO/Global Programme on AIDS in the area of HIV infected prisoners or prisoners with AIDS. The complex human rights aspects of this problem include the following issues:

(a) The avoidance of discrimination against infected prisoners in terms of daily routine, such as deprivation of the rights of association, harassment, and lower levels of treatment than available to HIV/AIDS infected persons in the community (see also Commission on Human Rights resolution 1990/65);

(b) The fear on the part of staff and other prisoners, that their human rights are affected through the possibility of infection, accidental or deliberate, by an already infected prisoner;

(c) The question of voluntary or compulsory testing of prisoners for HIV/AIDS and to whom the results of any such tests may be disclosed.

55. A report by WHO on the situation in prisons in various countries will be before the Eighth Congress, including proposed guidelines for the management of prisoners with infected inmates.

H. Computerization of criminal justice administration

56. On the recommendation of the Committee on Crime Prevention and Control, at its eleventh session, the Economic and Social Council transmitted to the Eighth Congress for action two draft resolutions on the subject.

57. First, on computerization of criminal justice, containing an outline for future action in this area.

58. Second, on the management of criminal justice and the development of sentencing policies, inter alia, inviting Member States that have not yet begun to computerize their criminal justice systems to take into account the recommendations of the European Seminar on Computerization of Criminal Justice Information Systems held at Popowo, Poland, in 1987. 1/ On the basis of these recommendations a "Manual on Application of Computer Technology to the Management of Criminal Justice" is being prepared, taking into account also Sub-Commission resolution 1989/21. While the Manual will be published after the Eighth Congress, its draft will be used as a background document for the Demonstration Workshops on Computerization of Criminal Justice at the Eighth Congress.

59. Both draft resolutions may be of interest to the human rights programme when introducing its computerization system in accordance with Commission on Human Rights resolution 1990/21, as proposed by the Sub-Commission's Task Force in its study on this question (E/CN.4/1990/39, annex).

1/ Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) and Poland Ministry of Justice, Computerization of Criminal Justice Information System, Realities, Methods, Prospects and Effects" HEUNI No. 12, Helsinki, Government Printing Office, 1987.